

**U.S. District Court  
Northern District of Ohio (Cleveland)  
CRIMINAL DOCKET FOR CASE #: 1:19-cr-00493-SO-1**

Case title: United States of America v. Baeza et al

Magistrate judge case number: 1:19-mj-03211-TMP

Date Filed: 08/21/2019

Date Terminated: 06/17/2020

---

Assigned to: Judge Solomon  
Oliver, Jr

**Defendant (1)**

**Nathan Jesus Baeza**  
***TERMINATED: 06/17/2020***

represented by **James J. McDonnell**  
Ste. 2100  
55 Public Square  
Cleveland, OH 44113  
216-781-2125  
Fax: 216-363-6054  
Email: [jamesjmcdonnell@sbcglobal.net](mailto:jamesjmcdonnell@sbcglobal.net)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*  
*Bar Status: Active*

**Pending Counts**

21:846,841(a)(1), and (b)(1)(A) –  
Conspiracy to Distribute and  
Possess with Intent to Distribute  
Cocaine  
(1)

21:846,841(a)(1), and (b)(1)(A) –  
Attempted Possession with Intent  
to Distribute Cocaine  
(2)

**Disposition**

27 months custody, with credit for time served from  
8/30/2019, concurrent; 3 years supervised release,  
concurrent, with standard and special conditions; fine  
waived; \$100 special assessment each count, total  
\$200.

27 months custody, with credit for time served from  
8/30/2019, concurrent; 3 years supervised release,  
concurrent, with standard and special conditions; fine  
waived; \$100 special assessment each count, total  
\$200.

**Highest Offense Level**  
**(Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

21:846 & 841(a)(1) Conspiracy to  
possess with intent to distribute

**Disposition**

and to distribute controlled  
substances

**Plaintiff**

**United States of America**

represented by **Margaret A. Sweeney**  
Office of the U.S. Attorney – Cleveland  
Northern District of Ohio  
Ste. 400  
801 Superior Avenue, W  
Cleveland, OH 44113  
216-622-3990  
Fax: 216-522-7499  
Email: [margaret.sweeney@usdoj.gov](mailto:margaret.sweeney@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*  
*Bar Status: Govt*

**Henry F. DeBaggis , II**  
Office of the U.S. Attorney – Cleveland  
Ste. 400  
801 Superior Avenue, W  
Cleveland, OH 44113  
216-622-3749  
Fax: 216-522-7499  
Email: [henry.debaggis@usdoj.gov](mailto:henry.debaggis@usdoj.gov)  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Active*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
07/29/2019	<u>1</u>	<b>Complaint</b> as to Nathan Jesus Baeza (1) signed by Magistrate Judge Thomas M. Parker on 7/29/2019. (Attachments: # <u>1</u> Affidavit). (D,JJ) [1:19-mj-03211-TMP] (Entered: 07/29/2019)
07/29/2019		Arrest of Nathan Jesus Baeza (1) on 7/29/2019. (D,JJ) [1:19-mj-03211-TMP] (Entered: 07/29/2019)
07/29/2019		Case unsealed as to Nathan Jesus Baeza (1). Attorney Margaret A. Sweeney for United States of America added. (D,JJ) [1:19-mj-03211-TMP] (Entered: 07/29/2019)
07/29/2019		CJA 20 Appointment of Attorney James J. McDonnell for Nathan Jesus Baeza. Counsel is reminded of their obligation to report significant changes in defendant's employment or financial circumstances sufficient to enable defendant to pay, in whole or in part, for legal representation. CJA Plan, Part IV (D)(2). Magistrate Judge Thomas M. Parker on 7/29/2019. (D,JJ) [1:19-mj-03211-TMP] (Entered: 07/29/2019)
07/29/2019		<b>Minutes of proceedings</b> [non-document] before Magistrate Judge Thomas M. Parker. Initial Appearance as to Nathan Jesus Baeza (1) held on 7/29/2019. Margaret A. Sweeney present as counsel for the government. James McDonnell present and appointed as counsel for defendant. Pretrial Services Officer Cassandra Stolarik also present. Government made an oral motion to seal the electronic docket in this case. The defense did not object, therefore the complaint and affidavit are sealed and restricted to case participants only until further order of this court. The defense orally requested that the defendants be housed separately; having received no objection from the government, the court grants the same. Defendant requested a preliminary hearing; government moved for detention; government's motion for detention is granted on a temporary basis. Preliminary/Detention Hearing set for 8/5/2019 2:00 PM in Courtroom 11B before Magistrate Judge Thomas M. Parker. Defendant ordered detained and remanded to the custody of the U.S. Marshal pending hearings. (Court Reporter: S. Nageotte. Time: 30 minutes). (D,JJ) [1:19-mj-03211-TMP] (Entered: 07/29/2019)

07/29/2019	<u>3</u>	CJA 23 Financial Affidavit by Nathan Jesus Baeza (1). Magistrate Judge Thomas M. Parker on 7/29/2019. (D,JJ) [1:19-mj-03211-TMP] (Entered: 07/29/2019)
07/29/2019	<u>4</u>	<b>Order</b> of Temporary Detention Pending Hearing as to Nathan Jesus Baeza (1). Preliminary/Detention Hearing set for 8/5/2019 at 2:00 PM in Courtroom 11B before Magistrate Judge Thomas M. Parker. Magistrate Judge Thomas M. Parker on 7/29/2019. (D,JJ) [1:19-mj-03211-TMP] (Entered: 07/29/2019)
08/02/2019	<u>5</u>	Waiver of Preliminary Hearing by Nathan Jesus Baeza (1). (D,JJ) [1:19-mj-03211-TMP] (Entered: 08/05/2019)
08/02/2019	<u>6</u>	<b>Waiver of Detention Hearing and Order</b> as to Nathan Jesus Baeza (1). Magistrate Judge Thomas M. Parker on 8/2/2019. (D,JJ) [1:19-mj-03211-TMP] (Entered: 08/05/2019)
08/21/2019	<u>10</u>	<b>Indictment</b> filed by USA as to Nathan Jesus Baeza (1) count(s) 1, 2, Harold Foucha, Jr (2) count(s) 1, 2, Christian Sherman (3) count(s) 1, 2. (Attachments: # <u>1</u> Designation Form, # <u>2</u> Signature Page) (W,Jo) (Entered: 08/21/2019)
08/21/2019		Random Assignment of Magistrate Judge pursuant to Local Criminal Rule 57.9. In the event of a referral, case will be assigned to Magistrate Judge Jonathan D. Greenberg. (W,Jo) (Entered: 08/21/2019)
08/22/2019		<b>IMPORTANT:</b> Notice [non-document] as to Nathan Jesus Baeza (1), Harold Foucha, Jr (2), Christian Sherman (3). Arraignment set for 8/30/2019 at 11:00 AM in Courtroom 10A before Magistrate Judge William H. Baughman Jr. (D,Ky) (Entered: 08/22/2019)
08/30/2019		<b>Minutes of proceedings</b> [non-document] before Magistrate Judge William H. Baughman, Jr. Arraignment as to Nathan Jesus Baeza (1), Harold Foucha Jr. (2), and Christian Sherman (3) held on 8/30/2019. AUSA Margaret Sweeney present for the government. Attorney James McDonnell present for defendant Baeza, Attorneys James Willis and Clarissa Smith present for defendant Foucha and Attorney Terry Gilbert present for defendant Sherman. All defendants waive reading of indictment. All defendants plea not guilty to counts 1 and 2 of the indictment. Defendants Baeza and Foucha are remanded back to the custody of the U.S. Marshal. Defendant Sherman's bond is continued. (Court Reporter H. Geizer) Time: 20 minutes. (D,Ky) (Entered: 08/30/2019)
09/06/2019	<u>14</u>	<b>Criminal Pretrial Order</b> as to Nathan Jesus Baeza (1), Harold Foucha, Jr (2), Christian Sherman (3). A Final Pretrial Conference set for 10/15/2019 at 10:30 AM in Courtroom 17A before Judge Solomon Oliver Jr. Jury Trial set for 10/30/2019 at 09:00 AM in Courtroom 17A before Judge Solomon Oliver Jr. Discovery due by 9/16/2019. Pretrial Motions due by 9/30/2019, with Responses due 10/14/2019. Trial documents are due to the court 10/25/2019 by 4:00PM. Signed by Judge Solomon Oliver, Jr. on 9/6/2019. (R,Sh) (Entered: 09/06/2019)
09/27/2019		<b>Order</b> [non-document] granting Defendant Sherman's 16 Motion to Continue trial dates as to ALL DEFENDANTS. A Pretrial Conference is set for 10/30/2019 at 11:00 AM in Courtroom 17A before Judge Solomon Oliver Jr. Approved by Judge Solomon Oliver, Jr. on 9/27/2019. (R,Sh) (Entered: 09/27/2019)
10/30/2019		<b>Minutes of proceedings</b> [non-document] before Judge Solomon Oliver, Jr. A Pretrial Conference as to Nathan Jesus Baeza (1), Harold Foucha, Jr (2), and Christian Sherman (3) was held on 10/30/2019. AUSA Margaret Sweeney was present for the government. Attorney James McDonnell was present with Defendant Baeza. Attorney James Willis attended with Defendant Foucha. Attorney Terry Gilbert was present with Defendant Sherman. The parties indicated discovery has been provided and counsel for the respective defendants indicate they need more time to discuss matters with their clients and explore their options. Oral motion was made by defendants for continuance, with no objection, which the court grants. The court finds, under 18 U.S.C. 3161(h)(7)(A) and (B), the ends of justice served by continuance of trial outweigh the best interests of the public and the Defendants in a speedy trial. A Pretrial Status Conference/ Plea Cut-off date is set for 12/11/2019 at 03:00 PM in Courtroom 17A before Judge Solomon Oliver Jr.(Court Reporter Sarah Nageotte) Time: 10 minutes. (R,Sh) (Entered: 10/30/2019)

12/04/2019	<u>17</u>	<b>Order</b> Referring Case to Magistrate Judge Jonathan D. Greenberg as to Nathan Jesus Baeza (1) for purposes of receiving Defendant's Plea of Guilty Upon Consent of the Parties. Signed by Judge Solomon Oliver, Jr. on 12/4/2019. (R,Sh) (Entered: 12/04/2019)
12/06/2019		<b>IMPORTANT:</b> Notice of Hearing [non-document] as to Nathan Jesus Baeza (1). Change of Plea Hearing set for 12/12/2019 at 11:30 a.m. in Courtroom 10B before Magistrate Judge Jonathan D. Greenberg. (Related document <u>17</u> ) (S,S) (Entered: 12/06/2019)
12/12/2019		<b>Minutes of proceedings</b> [non-document] before Magistrate Judge Jonathan D. Greenberg. Change of Plea Hearing as to Nathan Jesus Baeza (1) held on 12/12/2019. AUSA Margaret Sweeney present for the government. Attorney James McDonnell present for defendant. Consent to order of referral to Magistrate Judge for purposes of receiving plea of guilty executed. Signed plea agreement presented to the Court. Plea of guilty entered to Counts 1 and 2 of the Indictment. Defendant referred to Probation for Presentence Report. Sentencing set for 4/2/2020 at 11:00 a.m. in Courtroom 17A before Judge Solomon Oliver, Jr. Pretrial detention continued. Defendant remanded to custody of U.S. Marshal. (Court Reporter ECRO [D. Ivey]) (Time: 20 min.) (S,S) (Entered: 12/12/2019)
12/12/2019	<u>19</u>	Consent to <u>17</u> order of referral to Magistrate Judge for purposes of receiving plea of guilty as to Nathan Jesus Baeza (1). (S,S) (Entered: 12/12/2019)
12/12/2019	<u>20</u>	<b>Report and Recommendation</b> on Plea of Guilty as to Nathan Jesus Baeza (1). Signed by Magistrate Judge Jonathan D. Greenberg on 12/12/2019. (S,S) (Entered: 12/12/2019)
12/16/2019	<u>21</u>	Transcript of Guilty Plea Hearing as to Nathan Jesus Baeza (1) held on December 12, 2019 before Magistrate Judge Jonathan D. Greenberg. To obtain a bound copy of this transcript please contact court reporter Caroline Mahrke at 330-252-6021. [24 pages] Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 12/23/2019. Redaction Request due 1/6/2020. Redacted Transcript Deadline set for 1/16/2020. Release of Transcript Restriction set for 3/16/2020. (M,Ca) (Entered: 12/16/2019)
01/08/2020	<u>22</u>	<b>Order</b> Adopting Report and Recommendation as to Nathan Jesus Baeza (1), accepting plea agreement, judgment and referral to U.S. Probation office. Related document <u>20</u> . Signed by Judge Solomon Oliver, Jr on 1/8/2020. (R,Sh) (Entered: 01/08/2020)
01/11/2020		<b>IMPORTANT: Prepare now and avoid delays logging in later.</b> The U.S. District Court for the Northern District of Ohio [OHND] will be upgrading CM/ECF to the Next Generation of CM/ECF [NextGen] on <b>February 10, 2020</b> . Information regarding NextGen can be found <u>on the court's website</u> .  Preparing for NextGen CM/ECF is a multi-step process. Step one is to obtain or upgrade your PACER account. Currently, attorneys within a firm may share a PACER account. This will not be allowed with NextGen. Each attorney must have their own upgraded PACER account. If you are using a shared PACER account, register for a new PACER account by clicking <u>here</u> .  If you have an upgraded PACER account for another NextGen court or your PACER account was created after August 10, 2014, no further action is required at this time. If neither applies, you must upgrade your legacy PACER account. <b>If this is not done, you will be unable to e-file after February 10, 2020.</b> Instructions for linking your PACER account to your CM/ECF account will be sent in February. If you still have questions, please contact the PACER Service Center at 800-676-6854 or the Clerk's Office Help Desk at 1-800-355-8498. (SL) (ADI) (Entered: 01/11/2020)
02/04/2020		<b>LAST NOTICE: Prepare now and avoid delays logging in later.</b> The U.S. District Court for the Northern District of Ohio [OHND] will be upgrading CM/ECF to the Next Generation of CM/ECF [NextGen] on <b>February 10, 2020</b> . In order to complete our final transition to NextGen, <b>CM/ECF will be offline starting at 12:00 noon on Friday, February 7, 2020, through 11:59 p.m. Sunday, February 9, 2020.</b> Pursuant to

		<p>General Order 2020–02, we have established an email box, nextgenfilings@ohnd.uscourts.gov, for submitting documents to be filed during this period.</p> <p>Preparing for NextGen is a two–step process. Step one was to obtain or upgrade your PACER account. Each attorney should have their own individual upgraded PACER account at this time. Step two will be to link your upgraded PACER account to your OHND e–filing account in the NextGen CM/ECF system on or after February 10, 2020. <u>Linking Instructions</u>. <b>You will be unable to e–file until the accounts are linked.</b> If you have any additional questions, please call the Clerk's Office Help Desk at 1–800–355–8498. (SL) (ADI) (Entered: 02/04/2020)</p>
03/06/2020	<u>24</u>	Notice of related case. <b>Case is related to 20–cr–109</b> .(Sweeney, Margaret) (Entered: 03/06/2020)
03/26/2020		<b>IMPORTANT:</b> Notice [non–document] as to Nathan Jesus Baeza (1). Due to the current health crisis, the Sentencing Hearing set for 4/2 at 11AM is continued for approximately 45 days. (R,Sh) (Entered: 03/26/2020)
03/31/2020		<b>IMPORTANT:</b> Notice [non–document] as to Nathan Jesus Baeza (1). Sentencing RESET for 5/12/2020 at 02:00 PM in Courtroom 17A before Judge Solomon Oliver Jr.(R,Sh) (Entered: 03/31/2020)
04/07/2020	<u>28</u>	<b>Motion</b> for release by Nathan Jesus Baeza (1). (McDonnell, James) (Entered: 04/07/2020)
04/27/2020	<u>30</u>	<b>Order</b> as to Nathan Jesus Baeza (1) The Sentencing hearing set for May 12, 2020 at 2:00 p.m. is hereby canceled until further notice in light of the coronavirus crisis, pursuant to General Order 2020–05–2 issued on April 20, 2020. Accordingly, the court finds under 18 U.S.C. § 3161(h)(7)(A) and (B), the ends of justice served by continuance of trial outweigh the best interests of the public and the Defendant in a speedy trial. Judge Solomon Oliver, Jr on 4/27/2020. (Y,A) (Entered: 04/27/2020)
05/29/2020		<b>IMPORTANT:</b> Notice [non–document] as to Nathan Jesus Baeza (1). Sentencing is set for 6/12/2020 at 02:00 PM to be held by video conference before Judge Solomon Oliver Jr. pursuant to General Order regarding procedures during the COVID–19 crisis. This court has been advised by counsel that Defendant Baeza will agree to waive his in–person appearance at the hearing.(R,Sh) (Entered: 05/29/2020)
06/03/2020	<u>32</u>	Sentencing Memorandum Supplement by Nathan Jesus Baeza (1) (Attachments: # <u>1</u> Letter)(McDonnell, James) (Entered: 06/03/2020)
06/12/2020		<b>Minutes of proceedings</b> [non–document] before Judge Solomon Oliver, Jr. Video Sentencing held on 6/12/2020 for Nathan Jesus Baeza (1) upon consent of Defendant as indicated on the open record. AUSA Margaret Sweeney was present for the government. Attorney James McDonnell was present with Defendant Nathan Jesus Baeza. Count(s) 1 and 2: 27 months custody, with credit for time served from 8/30/2019, concurrent; 3 years supervised release, concurrent, with standard and special conditions; fine waived; \$100 special assessment each count, total \$200. Defendant advised of his appeal rights. (Court Reporter Sue Trischan) Time: 1 hour. (R,Sh) (Entered: 06/16/2020)
06/16/2020	<u>33</u>	<b>Order</b> regarding use of video conferencing for felony sentencing as to Nathan Jesus Baeza (1). Signed by Judge Solomon Oliver, Jr. on 6/16/2020. (R,Sh) (Entered: 06/16/2020)
06/16/2020	<u>34</u>	Plea Agreement as to Nathan Jesus Baeza (1) (R,Sh) (Entered: 06/16/2020)
06/17/2020	<u>35</u>	<b>Judgment</b> as to Nathan Jesus Baeza (1). Count(s) 1 and 2: 27 months custody, with credit for time served from 8/30/2019, concurrent; 3 years supervised release, concurrent, with standard and special conditions; fine waived; \$100 special assessment each count, total \$200. Signed by Judge Solomon Oliver, Jr. on 6/16/2020. (R,Sh) (Entered: 06/17/2020)
06/19/2020	<u>38</u>	<b>Response</b> by United States of America in opposition to <b>Motion</b> for release <u>28</u> as to Nathan Jesus Baeza (1) (Sweeney, Margaret) (Entered: 06/19/2020)

06/23/2020		CJA 20 as to Nathan Jesus Baeza (1): Authorization to Pay James McDonnell.. Judge Solomon Oliver, Jr on 6/23/2020. (R,Sh) (Entered: 06/23/2020)
07/21/2020	<u>42</u>	<b>Order</b> denying as moot Defendant's <u>28</u> Motion for release on bond pending sentencing as to Nathan Jesus Baeza (1) in light of the Judgment and Conviction ( ECR No. <u>35</u> ). Signed by Judge Solomon Oliver, Jr. on 7/20/2020. (R,Sh) (Entered: 07/21/2020)